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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/891,301 07/10/97 HARRENSTIEN

K 224/183

022249  
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LOS ANGELES CA 90071-2066

WM01/0511

EXAMINER

TRAN, P

ART UNIT	PAPER NUMBER
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2684

DATE MAILED:

05/11/01

13

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	08/891,301	HARRENSTIEN ET AL.
Examiner	Art Unit	
Pablo N Tran	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 March 2001.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8, 10-12 and 16-25 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-8, 10-12, 16-25 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15)  Notice of References Cited (PTO-892)

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

18)  Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

19)  Notice of Informal Patent Application (PTO-152)

20)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10-12, and 16-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Verkler et al.* (US patent 5,850,517) in view of *Eggleston et al.* (5,958,006).

As per claims 1, 7, 10, 16, and 24-25, *Verkler et al.* further disclose a method and apparatus for transmitting information from a server to a client station in a mobile-based client-server system, comprising the steps of:

- evaluating a received message to determine whether the server has a message of information waiting for the client station, the received message being prepared by the server without the client station first initiating a connection with the server (col. 4/ln. 1-38, col. 6/ln. 64- col. 7/ln.9, col. 9/ln. 24-col. 10/ln. 13);
- generating a signal containing a telephonic address of a communication transceiver associated with the server and instructions for establishing a log-on connection with the server

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if the server has a message of information waiting for the client station (col. 4/ln. 1-26, col. 8/ln. 7-16, 59-62, col. 9/ln. 1-22, and col. 10/ln. 24-29); and

- transmitting the signal to a transceiver associated with the client station, the client station transceiver configured to establish a communication link with the server transceiver based on the telephonic address (col. 4/ln. 1-26, col. 8/ln. 7-16, 59-62, col. 9/ln. 1-22, and col. 10/ln. 24-29).

*Verkler et al.* disclose Applicant's invention except teaching evaluating the message at the server to determine the message is of a selected type and quantity of information. *Eggleson et al.* disclose evaluating the message at the server to determine the message is of a selected type and quantity of information (fig. 3-4, col. 2/ln. 66-col. 3/ln. 34). In order to optimize the types and quantity of information being transferred to save time and tariff of downloading information, it would have obvious to one of ordinary skill in the art at the time of Applicant's invention to provide a method for communicating summarized data as taught by *Eggleson et al.* in conjunction with a communication link for client-server as taught by *Verkler et al.*.

*Verkler et al.* discloses Applicant's invention except teaching transceiver associated with the server and client station. However, it is inherent that both the server and client station comprises transceivers in order to provide wireless communication path. It is inherent to one of ordinary skill in the art at the time of Applicant's invention to incorporate transceivers, inherently to provide mobile link, in conjunction with a communication link for client-server system as taught by *Verkler et al.*.

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As per claim 2, *Verkler et al.* further disclose establishing a connection between the client station and the server in response to a received message (col. 5/ln. 31-39)

As per claim 3, *Verkler et al.* further disclose wherein the connection between the client station and server is established via the respective client station and the server transceivers (fig. 2, col. 3/ln. 56-67, col. 5/ln. 6-col. 6/ln. 15, col. 9/ln. 1-22, and col. 10/ln. 24-29).

As per claims 4-6, 11-12, and 20, the combination of *Verkler et al.* in view *Eggleson et al.* disclose comprising the further steps of:

- evaluating a received message at the client station to determine whether the information is of a selected type and quantity (see *Eggleson et al.*, fig. 3-4, col. 2/ln. 66-col. 3/ln. 34, col. 7/ln. 57-col. 9/ln. 59); and
- establishing a connection between the client station and the server in response to a received message if the information is of a selected type and quantity (see *Eggleson et al.*, fig. 3-4, col. 2/ln. 66-col. 3/ln. 34).

As per claim 8 and 21, *Verkler et al.* disclosed Applicant's invention except for teaching wherein the server transceiver sends the message to the client station transceiver in the form of an SMS paging message. It would have been useful to provide an SMS paging message to provide automatic answer transmission. However, such is notoriously well-known in the art the Examiner takes official notice of such. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to utilize the method of SMS paging message, well-known

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in the art, in conjunction with a communication link for client-server system as taught by *Verkler et al.*.

As per claim 17, *Verkler et al.* further disclose the stored program causing the client station to perform the additional steps of:

- transmitting a first request for the information to the server via the established communication link (fig. 3, col. 4/ln. 12-55, col. 6/ln. 50-col. 7/ln. 48);
- receiving the requested information (fig. 3, col. 4/ln. 12-55, col. 6/ln. 50-col. 7/ln. 48);

and

- transmitting additional information to the server via the established communication link (fig. 3, col. 4/ln. 12-55, col. 6/ln. 50-col. 7/ln. 48).

As per claim 18, *Verkler et al.* further disclose wherein the additional information comprises a further data request (fig. 3, col. 4/ln. 12-55, col. 6/ln. 50-col. 7/ln. 48).

As per claim 19, *Verkler et al.* further disclose a mobile-based client-server system, comprising:

- a client station adapted for communication with an associated client station transceiver (col. 4/ln. 12-55); and
- a server configured to periodically receive or generate information to be delivered to the client station, the server linked to an associated server transceiver (col. 4/ln. 12-55), wherein
  - the server is further configured to transmit a message to the client station via the respective server and client station transceivers upon receiving or generating a message

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information to be delivered to the client station without the client station first initiating a connection with the server (col. 4/ln. 1-38, col. 6/ln. 64-col. 7/ln.9, col. 9/ln. 24-col. 10/ln. 13);

*Verkler et al.* disclose Applicant's invention except teaching evaluating the message at the server to determine the message is of a selected type and quantity of information. *Eggleston et al.* disclose evaluating the message at the server to determine the message is of a selected quantity of information (fig. 3-4, col. 2/ln. 66-col. 3/ln. 34). In order to optimize the types and quantity of information being transferred to save time and tariff of downloading information, it would have obvious to one of ordinary skill in the art at the time of Applicant's invention to provide a method for communicating summarized data as taught by *Eggleston et al.* in conjunction with a communication link for client-server as taught by *Verkler et al.*..

As per claims 22-23, the combination of *Verkler et al.* in view *Eggleston et al.* disclosed wherein the client station is configured to evaluate a received message from the server to determine whether the server has a selected type and quality of information waiting for the client station (see *Eggleston et al.*, fig. 3-4, col. 2/ln.66-col. 3/ln.34).

### Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tett (5,635,918), Harrison et al. (5,796,727), Vazana (5,850,519), Eggleston et al. (5,958,006), Dillon (6,067,561), Smith (5,835,724), Doviak et al. (5,717,737), Hidary

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(5,852,775), Davis (5,392,452), and Gilchrist et al. (5,745,695) discloses method and apparatus for controlling message delivery to wireless system.

***Response to Amendment***

4. Applicant's arguments filed June 1, 1999 have been fully considered but they are not persuasive.

In response to the Applicant's arguments, the Applicant's stated that "*Verkler neither teaches nor suggests determining that the server has information to be transmitted to a client station without the client station initiating the determination and transmitting a message from the server to the client station to indicate that the server has information for the client station*".

As per claims 1, 16, and 19, Verkler disclosed a client-server system that allows the client to receive unsolicited information, data alerts, without having to actively request them (col. 4/ln. 12-26). Eggleston et al. disclosed a method of reviewing and filter message data at the server to provide a select and summarized listing of message. The listing is sent periodically or upon request by the client and upon reviewing the list the client can request transferred of the selected message (col. 2/ln.66-col. 3/ln.34). In order to optimize the types and quantity of information being transferred to save time and tariff of downloading information, it would have obvious to one of ordinary skill in the art at the time of Applicant's invention to provide a method for communicating summarized data as taught by *Eggleston et al.* in conjunction with a communication link for client-server as taught by *Verkler et al.*.

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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

**Commissioner of Patents and Trademarks**

**Washington, D.C. 20231**

**or faxed to:**

**(703) 308-9051, (for formal communications; please mark  
“EXPEDITED PROCEDURE”)**

**Or:**

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**(703) 308-9508, (for informal or draft communication, please  
label "PROPOSED" or "DRAFT")**

**Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).**

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941. The fax number for this Group is (703)308-6306 and (703)308-6296.

Any inquiry of a general nature to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

May 7, 2001

Pablo Tran

Examiner, Art Unit 2684

  
DANIEL HUNTER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600